

भारत का राजपत्र The Gazette of India

प्रसाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, बृहस्पतिवार, मार्च 16, 1972/फाल्गुन 26, 1889
No. 3] NEW DELHI, THURSDAY, MARCH 16, 1972/FHALGUNA 26, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th March, 1972:—

BILL No. V OF 1972

A Bill to amend the Armed Forces (Assam and Manipur) Special Powers Act, 1958.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Armed Forces (Assam and Manipur) Short title.
Special Powers (Amendment) Act, 1972.

28 of 1958. 2. In the Armed Forces (Assam and Manipur) Special Powers Act, Amend-
1958 (hereinafter referred to as the principal Act), in the long title, for ment of
the words "in the State of Assam and the Union territory of Manipur", long title.
the words "in the States of Assam, Manipur, Meghalaya, Nagaland and
Tripura and the Union territories of Arunachal Pradesh and Mizoram"
shall be substituted.

3. In section 1 of the principal Act,—

(a) in sub-section (1), for the words, brackets and figures "the
Armed Forces (Assam and Manipur) Special Powers Act, 1958", the
words, brackets and figures "the Armed Forces (Special Powers)
Act, 1958" shall be substituted;

Amend-
ment of
section 1

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union territories of Arunachal Pradesh and Mizoram.”.

Substitution of new section for section 3.

4. For section 3 of the principal Act, the following section shall be substituted, namely:—

Power to declare areas to be disturbed areas.

“3. If, in relation to any State or Union territory to which this Act extends, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of that State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area.”.

Principal Act as extended to the former Union territory of Tripura to cease to operate.

5. As from the commencement of this Act, the principal Act, as extended by notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1970, dated the 25th November, 1970 to the then existing Union territory of Tripura, shall cease to operate in the State of Tripura.

STATEMENT OF OBJECTS AND REASONS

The Armed Forces (Special Powers) Regulation, 1958, which is in force in the State of Nagaland and which confers certain powers on the armed forces operating in the area declared "disturbed" under the Regulation, will cease to be in force with effect from the 5th April, 1972. A similar permanent law, namely, the Armed Forces (Assam and Manipur) Special Powers Act, 1958 is in force in the States of Assam, Meghalaya and Manipur and in the Union territories of Arunachal Pradesh and Mizoram. The application of that law had also been extended to the former Union territory of Tripura and the Act is now in force in the State of Tripura. On the expiry of the Armed Forces (Special Powers) Regulation, 1958, it is proposed to apply the Armed Forces (Assam and Manipur) Special Powers Act, 1958 also to the State of Nagaland.

2. The Armed Forces (Assam and Manipur) Special Powers Act, 1958, empowers only the Governors of the States and the Administrators of the Union territories to declare areas in the concerned State or Union territory as "disturbed". Keeping in view the duty of the Union under article 355 of the Constitution, *inter alia*, to protect every State against internal disturbance, it is considered desirable that the Central Government should also have power to declare areas as "disturbed", to enable its armed forces to exercise the special powers.

3. The Bill seeks to suitably amend the Armed Forces (Assam and Manipur) Special Powers Act, 1958 to achieve these objects.

NEW DELHI;

K. C. PANT.

The 10th March, 1972.

B. N. BANERJEE,
Secretary.

